

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 4, Lebanon Veterans Affairs Medical Center (LVAMC) Justification for Other Than Full and Open Competition, Improve Emergency Cache Project #595-11-127, Purchase Request or 2237 Number Unknown
2. **Nature and/or Description of the Action Being Processed:** Justification for Other Than Full and Open Competition for the use of a HVAC (heating, ventilation and air conditioning) control brand name specification in the solicitation for construction services for Improve Emergency Cache Project #595-11-127. The brand name specification will be awarded as part of a new contract, specifically a firm-fixed price contract. The total dollar amount is estimated to be \$ for the brand name item and \$ for the entire construction contract.

Description of Supplies/Services Required to Meet the Agency's Needs: The Agency requires the engineering, programming, equipment, installation, materials, installation labor, commissioning and start-up, and training for a Delta Controls HVAC control system. See Specification Section 23 09 23 for more details.

3. **Statutory Authority Permitting Other than Full and Open Competition:**
41 USC §253(c)(1), as implemented by FAR 6.302-1.

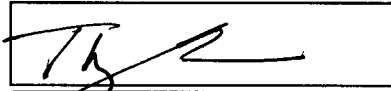
- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Delta Controls located at 17850 56th Avenue, Surrey, British Columbia, Canada, V3S 1C7 is the original equipment manufacturer (OEM) of the HVAC control system being installed throughout the facility. While there are other manufacturers of security system equipment that can meet the Government's minimum requirements, it is not in the Government's best interest to award an acquisition to any other brand. Delta Controls has been implemented at the facility in October 2009. The change is being made at the facility for ease of use and ability to provide the most efficient environmental conditions throughout the station building including the hospital. The existing Johnson Controls are useable by only one operator at the facility and in his absence there is no back up. However, in the interest of generating competition, Johnson Controls are acceptable for this project. The changeover to Delta Controls and the use of Delta Controls will meet the operational need of the Lebanon VAMC by giving the engineering department redundant HVAC operational control. Use of other

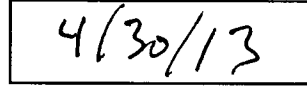
manufacturers would lead to storing additional inventory, functioning issues due to non-compatibility with existing equipment, multiplicity of service contracts, and increased training and operator requirements.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Not applicable as the brand name requirement will be solicited as part of a larger project to improve emergency cache.
6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Not applicable as the Government will not be purchasing this item separately but rather as part of a construction project. The contract will be awarded for a firm-fixed price and price reasonableness will be determined based on competition. Based on past procurement history for A/E and construction services, there is a reasonable expectation of receiving offers from two or more responsible SDVOSB concerns.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See #5 above.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
10. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** None.

11. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



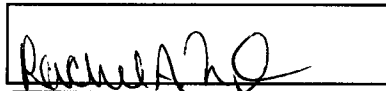
Thaddeus Kocuba
Chief Facility Manager, Engineering
Lebanon VAMC



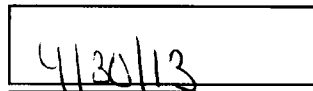
Date

12. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

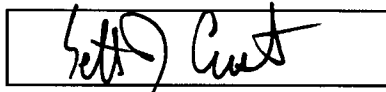


Rachel A. Turk
Contracting Officer
Lebanon VAMC

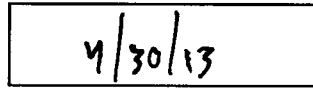


Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Seth J. Custer
Lebanon VAMC Supervisory Contract Specialist
VISN 4



Date